



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 13 2016

REPLY TO THE ATTENTION OF  
WC-15J

**CERTIFIED MAIL 7014 2870 0001 9580 9232**  
**RETURN RECEIPT REQUESTED**

Alliance Resource Partners, LP  
1717 South Boulder Avenue #400  
Tulsa, Oklahoma 74119

Subject: Information Request under Section 308(a) of the Clean Water Act  
33 U.S.C. § 1318(a), Docket No. V-W-16-308-07

To Whom It May Concern:

The U.S. Environmental Protection Agency is requiring Alliance Resource Partners, LP (ARP) to submit certain information about coal mines and related operations located in Illinois and Indiana. The enclosed Information Request specifies the information that ARP must submit. ARP is required to submit this information within 45 calendar days after it receives this request unless otherwise stated in the Requests for Information section of the attached Information Request.

EPA is authorized under Section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purposes of the Act. Accordingly, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, ARP is directed to provide EPA with the information requested in the enclosure.

Please exercise care to assure that responses are complete and accurate. Section 309(c)(2) of the Act, 33 U.S.C. § 1319(c)(2), provides for the imposition of criminal penalties for any person that knowingly violates Section 308 of the Act.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If ARP has technical questions, please direct them to Jonathan Moody, Office of Enforcement and Compliance Assurance, at (440) 250-1708 and [moody.jonathan@epa.gov](mailto:moody.jonathan@epa.gov). If ARP has legal questions, please contact Gary Prichard, Office of Regional Counsel at (312) 886-0570 and [prichard.gary@epa.gov](mailto:prichard.gary@epa.gov).

We appreciate your cooperation and look forward to your prompt response to the Information Request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Patrick F. Kuefler', with a long horizontal flourish extending to the right.

Patrick F. Kuefler  
Chief, Water Enforcement and Compliance  
Assurance Branch

Enclosure

cc: Catherine Hess, Indiana Department of Environmental Management  
Joe Stitely, Illinois Environmental Protection Agency

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5

### IN THE MATTER OF:

Alliance Resource Partners, LP  
1717 South Boulder Avenue #400  
Tulsa, Oklahoma 74119

) Docket No. V-W-16-308-07  
)  
) Proceeding under  
) Section 308(a) of the  
) Clean Water Act, as amended,  
) 33 U.S.C. § 1318(a)  
)  
)

### REQUEST FOR INFORMATION

This Request for Information is issued under the authority vested in the United States Environmental Protection Agency by Section 308 of the Clean Water Act (CWA) or (Act), 33 U.S.C. § 1318. The Administrator has delegated this authority to the Regional Administrator of EPA, Region 5, who has re-delegated this authority to the Director of the Water Division, EPA Region 5. On January 29, 2015, the Director of the Water Division, EPA Region 5, re-delegated this authority to the Chief of the Water Enforcement and Compliance Assurance Branch, EPA Region 5.

Alliance Resource Partners, LP and/or its subsidiaries, joint ventures or affiliated companies (hereinafter, all shall be referred to collectively as "ARP"), owns or owned and/or operates or operated, several active and/or inactive coal mines and coal-mining-related operations in the states of Illinois and Indiana. These operations include, but are not limited to, coal refuse facilities, coal preparation facilities, coal storage or transfer facilities or post-mining areas owned or operated by ARP, or any subsidiary, joint venture or affiliated companies since January 1, 2010.

There likely is or has been a "discharge of pollutants" from a "point source" as those terms are defined in Section 502(12) and (14) of the Clean Water Act, 33 U.S.C. § 1362(12) and (14), from or associated with some or all of these mines and mine-related operations.

The purpose of this request is to obtain information regarding discharges from any and all coal mines and coal-mining-related operations owned or operated by ARP in the states of Illinois and Indiana, including but not limited to information (a) regarding whether any such discharges were in accordance with the requirements of the Clean Water Act and any National Pollutant Discharge Elimination System (NPDES) permit and (b) relevant to development and review of future NPDES permits for such discharges.

Access to records and information described herein must be provided notwithstanding the possibility that the records contain information that may be characterized as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Section 2.203(b). Information covered by such a claim will be disclosed by EPA only to the

extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be made available to the public by EPA without further notice. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

EPA has the authority to use the information generated in response to this request in an administrative, civil or criminal action. There are significant civil and criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319 for violations of Section 308.

Please contact Jonathan Moody of my staff at (440) 250-1708, or Gary Prichard in the Office of Regional Counsel at (312) 886-0570, if you have any questions about this request.

### **REQUESTS FOR INFORMATION**

1. Provide the name and location of all active and inactive coal mines or coal mining-related operations in Illinois and Indiana from which there is or has been a "discharge of pollutants" from a "point source" owned and/or operated by ARP since January 1, 2010.
2. For each coal mine or coal mining-related operation identified in response to Request 1, provide the following information:
  - a. A list of all NPDES permits associated with the mine or operation;
  - b. A list of all point source discharge or outfall locations from which a discharge has occurred since January 1, 2010, or from which a discharge could occur in the future. The list of discharge or outfall location shall include all locations, whether identified in any NPDES permits or not, associated with the mine or operation, with any associated descriptive names and identification numbers; the latitude and longitude of the location; and the name of the water body into which the point source or outfall discharge occurs.
  - c. A description of any and all water pollution control equipment associated with each point source discharge location.
  - d. A site plan and map for each mine or operation indicating the location of the mine or related operation, the location(s) of each discharge point associated with the mine or operations, and for each discharge point the name and location of the water body that the discharge point discharges to.
3. Provide a copy of all NPDES permit applications and permits identified in response to 2.a above as well as any notice of intent to be covered by any NPDES general permit or permit by rule submitted by ARP to the Illinois Environmental Protection (IEPA) or Indiana Department of Environmental Management (IDEM) since January 1, 2010.
4. For each point source identified in response to Request 2, provide a list of dates (if known) that a discharge occurred; as well as any monitoring information pertaining to any such

discharge regarding volume, duration and/or pollutants in such discharges. Monitoring information includes monitoring information that was obtained in accordance with any Clean Water Act and NPDES permit requirements, as well as any monitoring information obtained for any other purposes, including but not limited to, complying with any Surface Mining and Reclamation Act (SMCRA) and SMCRA permit requirements.

5. For every mine or related operation identified in response to Request 1, in any phase of operation or reclamation, submit copies of all Discharge Monitoring Reports (DMR) submitted by ARP to IEPA or IDEM related to such mine or operation from January 1, 2010, through present.
6. Provide an excel spreadsheet for every mine or related operation identified in response to Request 1 reflecting all instances in which a discharge or discharges contained pollutants in levels that exceeded any NPDES permit effluent limitations from January 1, 2010, through present, with the following information:
  - i. Outfall/outlet number and location including Latitude and Longitude;
  - ii. Name of receiving stream for each outfall/outlet;
  - iii. Classification of receiving stream (warm water, trout stream, Section 303(d) listed, public water supply, etc.);
  - iv. Permit effluent limits including pollutant and mass and/or concentration;
  - v. Actual DMR data;
  - vi. Sample results reported on DMR; and
  - vii. Other relevant information in your possession associated with these exceedances of effluent limitations including information as to whether the exceedances caused fish kills or had any other aquatic life impact, whether the exceedance impacted public water supply, application of alternate limits, etc.

ARP may use the spreadsheet included as Attachment A to respond to this request.

7. Identify each instance in which ARP has been told by a local, state or federal governmental authority that ARP or a particular discharge associated with a mine or related operation is not or might not be subject to specific NPDES permit requirements. This includes, but is not limited to, any communications ARP has received pertaining to the applicability of NPDES permit requirements to discharges that occur following any bond release.
  - a. For each instance in which ARP has been told by a local, state or federal governmental authority that ARP or a particular discharge associated with a mine or related operation is not or might not be subject to specific NPDES permit requirements, identify the mine or related operation at issue and the date of the communication; who the communication was from (including the name and title of the individual(s) from the local, state or federal governmental agency involved with the communication); and describe the substance of the communication

(including the NPDES permitting requirement at issue and the reason, if known, that ARP or a particular discharge might not be subject to the requirement).

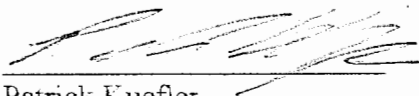
- b. Provide copies of all documents associated with the communication including documents received by ARP from any local, state or federal governmental entity, documents sent by ARP to any local, state or federal government entity; and internal ARP documents regarding such communication.
8. Provide information related to environmental inspections conducted at each mine or related operation identified in response to Request 1:
  - a. For each mine or related operation, identify and list each inspection performed by federal, state or local environmental agencies since January 1, 2010. Provide copies of all documents referring or relating to such inspections including, but not limited to, inspection reports, notices of violation, and summary of all sample results.
  - b. For each mine or related operation, provide copies of in-house and self-inspections of outfalls including all sample records since January 1, 2010.
  - c. For each mine or related operation, copies of all citizens complaints.
9. Provide information related to previous environmental enforcement activities at each mine or related operation identified in response to Request 1:
  - a. For each mine or related operation, provide copies of all warning or non-compliance letters or notices of violation; and all administrative or judicial orders and complaints received since January 1, 2010 from federal, state or local governmental authorities concerning alleged violations of environmental regulations or statutes at the facility including but not limited to the CWA and SMCRA.
  - b. For each document listed in response to this request, describe the final disposition of the alleged violation on which each document identified in your response to this paragraph was based.
10. Provide copies of all studies of the water quality in streams or other water bodies in the vicinity of any mine or related operation identified in response to Request 1, including but not limited to studies regarding the environmental impacts of discharges from the mine or related operation on any receiving streams. This includes surface water and groundwater monitoring data and locations related to the SMCRA permits.
11. Provide copies of records of surface and groundwater use for makeup water for the preparation plant wash loops.

12. Provide the names, titles, addresses and phone numbers of each person who participated in preparing responses to this Information Request and provide a brief description of their role in preparing responses to this Information Request.

**DATES AND ADDRESS FOR SUBMISSION OF INFORMATION**

13. The information required by this request must be submitted within 45 Calendar Days of ARP's receipt of this Information Request. If ARP does not intend to provide information in response to any specific aspect of this request, notify EPA in writing within 5 days of ARP's decision to not provide the information and explain the reason ARP does not intend to comply.
14. Submit all responses to this Information Request to EPA at the address set forth below:

Director, Water Division  
United States Environmental Protection Agency – Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604  
ATTN: Jonathan Moody, WECA Branch (WC-15J)  
Facsimile Number (312) 697-2091

  
Patrick Kuefler  
Chief, Water Enforcement & Compliance  
Assurance Branch  
US EPA  
Region 5

4/12/16  
Date

	Permittee name
	NPDES permit number
	SMCRA permit number
	Outfall/outlet number
	Date
	Parameter
	Reported Value Monthly Ave
	Reported Value Daily Max
	Permit Limit Monthly Ave
	Permit Limit Daily Max
	Exceedance % Monthly Ave
	Exceedance % Daily Max
	Latitude
	Longitude
	Receiving Stream
	Designation of Receiving Stream
	Included in any State Enforcement Action (yes/no)
	Other relevant information